



1647/B
PATENT #6
144002-2001
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1-9-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Douglas T. Dieterich
U.S. Serial No. : 09/862,404
Filing Date : May 21, 2001
For : **TREATMENT OF EPOETIN ALPHA**
Examiner: : Regina M. DeBerry
Group Art Unit : 1647

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New York, New York 10151

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on December 6, 2002.

Grace L. Pan, Reg. No. 39,440
Name of Applicant, Assignee or Registered Representative


Signature

December 9, 2002
Date of Signature

**RESPONSE TO RESTRICTION REQUIREMENT
WITH REQUEST FOR EXTENSION OF TIME**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the September 9, 2002 Office Action, which sets a one-month period for response, Applicant provisionally elects, with traverse, the invention of Group III, claims 2 and 3, classified in class 514, subclass 2, for further prosecution, without prejudice.

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REQUEST FOR EXTENSION OF TIME

Pursuant to 37 C.F.R. 1.17(a) and 1.136(a), a two-month extension of the term for reply, i.e., up to and including December 9, 2002, is respectfully requested. A check for \$200.00 is enclosed herewith (as Applicant is a small entity). The Commissioner is hereby authorized to charge any additional fee for the extension, entry and consideration of the amendment, or any other fee occasioned by this paper or credit any overpayment in such fees to Deposit Account No. 50-0320.

REMARKS

The Office Action mailed September 9, 2002 required restriction from among the following Groups under 35 U.S.C. § 121:

Group I, claim 1, drawn in part to a method for treating hepatitis C comprising administering ribavirin, or ribavirin and interferon-alpha, wherein the improvement comprises administering a vector that expresses erythropoietin *in vivo*, classified in class 514, subclass 44;

Group II, claims 1 and 8 to 12, drawn in part to a method for treating hepatitis C comprising administering ribavirin, or ribavirin and interferon-alpha, wherein the improvement comprises administering erythropoietin, classified in class 514, subclass 2;

Group III, claims 2 and 3, drawn to a method for treating ribavirin or ribavirin and interferon-alpha induced anemia comprising administering erythropoietin, classified in class 514, subclass 2;

Group IV, claims 4 to 7, drawn to a method for treating hepatitis C and for treating ribavirin or ribavirin and interferon-alpha induced anemia comprising administering erythropoietin, classified in class 514, subclass 2;